

ORIGINAL

MEMORANDUM ENDORSEMENT

Freeman v. Deebs-Elkenaney, et al.
22 Civ. 2435 (LLS)

Plaintiff may, on or before 5pm EST on Monday February 27, 2023, apply for sealing of some or all of Exhibits B, C, and D of Benjamin S. Halperin's Declaration (Dkt. No.122).

All parties are cautioned that designating items as "confidential" in agreed protective orders during discovery does not support their sealing when submitted to a court to affect a judicial result. In order to be sealed (and thus withheld from public view) the items must comply with the standards of Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110 (2d Cir. 2006) and its progeny.

So Ordered.

Dated: New York, New York
February 13, 2023

Louis L. Stanton
LOUIS L. STANTON
U.S.D.J.

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February 8, 2023

VIA ECF

The Honorable Louis L. Stanton
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
New York, NY 10007

Re: *Lynne Freeman v. Tracy Deebs-Elkenaney et. al.*, 1:22 Civ 02435 (LLS)(SN)

Dear Judge Stanton:

On behalf of all Defendants,¹ we write pursuant to Rule 3.B of Your Honor's Individual Practices regarding filing documents under seal and in connection with the parties' Protective Order (ECF No. 50), which requires all documents produced during discovery to be treated as confidential. Defendants filed under seal Exhibits B-D to my declaration in support of Defendants' Response to Plaintiff's Objections To Magistrate Judge Netburn's January 11, 2023 Order. These exhibits consist of documents produced by Plaintiff Lynne Freeman (Exs. B, D) and Defendants Emily Sylvan Kim and Prospect Agency, LLC (Ex. C) during discovery, all of which are marked as "confidential." Although Defendants would not object to these documents being unsealed, we have filed them under seal out of an abundance of caution to protect any confidentiality concerns of Plaintiff.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Benjamin S. Halperin

**COWAN, DeBAETS, ABRAHAMS &
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¹ Defendants collectively are Tracy Deebs-Elkenaney p/k/a Tracy Wolff, Entangled Publishing LLC, Emily Sylvan Kim, Prospect Agency, LLC, Holtzbrinck Publishers, LLC d/b/a Macmillan, and Universal City Studios LLC.

MEMO ENDORSED

*Attorneys for Defendants Tracy Deebs-
Elkenaney p/k/a Tracy Wolff, Entangled
Publishing, LLC, Holtzbrinck Publishers,
LLC d/b/a Macmillan, and Universal City
Studios LLC*

Cc: All counsel of record (via ECF)